

our borders. Other states have less stringent requirements than ours, which means that a permit holder who would be ineligible for a concealed weapon under California law would be able to obtain a permit from another state and, under Senator Thune's amendment, still carry that weapon in California.

Our elected representatives—with the support of the majority of Californians—have set guidelines that are stricter than most states'. In California, background checks are conducted using a fingerprint-based system so the state can verify that the recipient of the permit is eligible to possess a firearm under state and federal law. Also, if a person becomes ineligible to possess a firearm because he or she was convicted of a felony or other disqualifying crime, that information is forwarded to their local agency so the permit can be revoked.

I have consistently supported states' rights to determine their own fates on a variety of issues. This amendment would trample the rights I have worked hard to protect, and I urge your opposition:

Sincerely,

ARNOLD SCHWARZENEGGER,

Governor.

Mrs. FEINSTEIN. I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence in the streets of our Nation. I hope and pray this body will turn down this very ill-advised amendment.

I yield the floor.

Mr. DURBIN. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. The time remaining is 25 minutes 4 seconds.

Mr. DURBIN. The other side.

The PRESIDING OFFICER. There remains 32 minutes 37 seconds.

Mr. THUNE. Mr. President, I yield up to 15 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I rise in support of this amendment. I believe it is reasonable. It is not as draconian in its implications as many of my colleagues, whom I greatly respect in terms of their concerns, are anticipating.

I would also like to say there has been a lot of misinformation on the Senate floor about this amendment, to the effect it will allow felons, people who are mentally defective, and other dangerous individuals to carry weapons on the streets of American cities and also to buy up hordes of guns and transport them into places, as Senator SCHUMER mentioned, such as New York City. My colleague from New York gave as an example, in his terms, a Crip or a Blood moving to Vermont, establishing residency, then bringing a permit down into New York and being able to carry a weapon with impunity.

I think the reality of that particular situation is the gang members already have their guns. They don't need this bill. In fact, this amendment has protections that would prevent those who engage in criminal activity—such as gang members—from taking advantage of this legislation. The people who need this bill are the ones the gang members might be threatening.

With respect to standards of conduct, aspects of criminality, and issues of mental health, it is important to note there is a Federal floor under this amendment that guarantees certain standards will be met regardless of varying State standards. If you read the amendment, it states:

A person who is not prohibited by Federal law from possessing, transporting, shipping or receiving a firearm—and who meets other conditions, may be granted reciprocity.

If you go into the Federal law, and I am going to read from 27 CFR section 478—this is the current standard in terms of being able to possess a firearm or ammunition.

Anyone who—

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

May not possess a firearm.

Anyone who:

Is a fugitive from justice;

Anyone who:

Is an unlawful user or addicted to any controlled substance;

Anyone who:

Has been adjudicated as mentally defective or has been committed to a mental institution;

Anyone who:

Is an alien or illegally or unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa;

Anyone who:

Has been discharged from the Armed Forces under dishonorable conditions;

Anyone who:

Having been a citizen of the United States, has renounced his or her citizenship;

Anyone who:

Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner; or

Anyone who:

Has been convicted of a misdemeanor crime of domestic violence—cannot lawfully receive, possess, ship, or transport a firearm.

In addition:

A person who is under indictment for a crime punishable by imprisonment for a term exceeding 1 year cannot lawfully receive a firearm.

Those are the Federal guarantees, the floor under which this reciprocity legislation operates.

Senator LAUTENBERG has said in his comments that passing this legislation is akin to allowing someone from another State to come into your State and follow their speed limits. This is not an accurate interpretation of this amendment. The amendment specifically provides that anyone carrying a firearm into another State must follow the laws regarding firearms usage in that State, and I quote from the amendment:

. . . in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms . . .

A person gaining reciprocity is:

Entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a fire-

arm may be carried by a person issued a permit by the State in which the firearm is carried.

I would say the better analogy at work here is the driver's licensing process itself. States decide the conditions under which a license can be granted, but the nature of interstate travel allows licenses issued in another State to be recognized across the country, so long as the holders of those licenses obey the laws of the State in which they are driving.

I also keep hearing that this amendment will increase the number of purchases of handguns and other weapons. I would like to clarify for this body, as someone who holds a concealed carry permit, a permit to carry does not allow anyone to purchase a firearm automatically. One still has to go through the entire process of the background check as if you did not have a permit.

Illegal firearms sales are a separate matter for this body to address—one that we clearly should be focusing on—but they fall outside the parameters of this amendment.

The issue of gun usage in our country understandably divides people—usually along the lines of those who believe that any relaxation of gun laws will benefit criminal and violent activity versus those who believe gun laws need to be modified in order to allow law-abiding people to defend themselves. I have a great deal of empathy for those who have been the victims of gun violence. I have worked with citizens groups as well as our Governor in the aftermath of the Virginia Tech shootings, to focus our approach. We have made significant improvements in our laws since then, including working to modify privacy laws as they relate to mental health matters, which was the primary concern in the Virginia Tech shooting, and also to improve the instant background check process. I will continue to work on these areas.

I also believe very strongly that the violence we see in our streets and in our neighborhoods must be addressed. But very little of that violence has ever been caused by those who seek permits to carry. As I mentioned before, the people who are perpetrating that kind of violence already have their guns. Their access to those guns is a matter we should all focus on. But few criminals are going to go down to the county courthouse and file for a permit. Those who seek permits to carry and who are within the Federal guidelines specifically addressed in this bill seek to do so in order to protect themselves from the violence we see on our streets.

I would say, when I look at this amendment, a couple clear examples come to mind. One is my father who, in his later years, lived in Florida and then Arkansas, and would drive alone in his car to come and visit me and my brother, who lived in Minnesota. It was usually at least a 2-day journey. My father was older. He was by himself in